UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

COREY LOUIS HINES,)	
)	
Petitioner,)	
)	
v.)	No. 4:10CV01876 TIA
)	
LISA J.W. HOLLINGWORTH,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Liberally construing the allegations, petitioner seeks to overturn several old municipal traffic convictions, for which he had received a fine and served jail time. Petitioner is currently serving a federal sentence for other charges and is imprisoned in USP Marion.

District courts have jurisdiction to entertain petitions for habeas relief only from persons who are "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3) (emphasis added). The custody requirement is fulfilled when a petitioner is in custody "under the conviction or sentence under attack at the time his petition is filed." Maleng v. Cook, 490 U.S. 488, 490-91 (1989). Where, as is the case here, the sentence under attack has fully expired, the custody requirement is not met. Id. As a result, the Court does not have jurisdiction over the

petition, and the Court will dismiss it. <u>See</u> Fed. R. Civ. P. 12(h)(3); Rule 4 of the Rules Governing § 2254 Cases.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion to proceed in forma pauperis is GRANTED.

IT IS FURTHER ORDERED that petitioner's petition for habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED**.

An Order of Dismissal will be filed with this Memorandum and Order.

So Ordered this 19th day of October, 2010.

E. RICHARD WEBBER

UNITED STATES DISTRICT JUDGE

E. Rahard Stehler